

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – T & A Dept. – Sri K.Chenchu Subbaiah, S.T.O. (Retd.) - Notional Promotion to the category of ATO/AAO w.e.f. 31-1-2003 - Implementation of the orders of Hon'ble A.P.A.T. dt.18-7-2008 Passed in OA.No.10699/2002 in relaxation of Rule 33(a) of A.P. State and Subordinate Service Rules, 1996– Orders – Issued.

FINANCE (Admn.III) DEPARTMENT

G.O. Rt. No. 1042

Dt.19 -3-2009

Read the following:

- 1.Orders of Hon'ble APAT dt. 7-1-2004 in O.A.No. 10699/2002.
2. Govt. Memo. No. 2099/22/A1/Admn.I/2004, dt.19-6-2004 & 18-10-2004 Finance (Admn.I.Vig.) Dept.
3. Orders of Hon'ble A.P. High Court dt. 9-8-2006 in W.P.No.21855/2004.
4. Orders of Hon'ble A.P.A.T. dt. 18-7-2008 in O.A.No.10699/2002
5. C.A.No.2/2009 in O.A.No.10699/2002 filed by Sri K.Chenchu Subbaiah
6. Lr. No. C4/2024/2009, dt. 12-3-2009 from the DTA, Hyderabad

O R D E R:

Sri K.Chenchu Subbaiah, while working as S.T.O., Sub-Treasury, Nellore has been promoted to the category of ATO/AAO and posted as Asst. Accounts Officer, Prohibition & Excise Supdt., Chittoor vide DTA Proceedings dt.8-2-2002. Sri K.Chenchu Subbaiah, in his representation dt. 12-2-2002 stated that he intended to relinquish his promotion as ATO/AAO and he was prepared to forego his benefits of his promotion, as his son was suffering from Epilepsy for last 15 years and requested to accept his relinquishment.

2. In the promotion orders issued to the individual, it was clearly mentioned that he should join in the promotion post within (15) days from the date of promotion orders, failing which he will forfeit all his rights both present and future as per Rule 11(b) of A.P. State and Subordinate Service Rules, 1996 read with G.O.Ms.No.193, G.A. (Ser.D) Dept., dt. 23-7-1999.

3. On receipt of promotion orders i.e., on 19-2-2002, the individual has again made a representation on 28-2-2002 requesting for change of posting as AAO/ATO Nellore/Ongole/Rajampet which was received by DTA on 7-3-2002 i.e., after completion of joining time of 15 days period stipulated in the promotion orders. As the individual failed to join in the promotion post of AAO/ATO within the stipulated time, orders were issued by the DTA forfeiting the rights of the individual on the promotional post of ATO/AAO.

4. In his representation dt. 17-5-2002 the individual stated that he was holding a responsible post of Sub-Treasury Officer with double lock keys and he cannot get himself relieved from the post of STO, without suitable instructions from the DTO, Nellore, and therefore he could not join in the post of AAO, Prohibition & Excise Superintendent, Chittoor, without relief from the post of STO, within the stipulated period of (15) days and requested to consider for his promotion to the category of ATO/AAO. In the said panel.

5. Government after careful examination of the matter rejected his request vide Memo. No. 8600-A/74/Admn.I/A2/2002, dt. 20-10-2002.

6. On rejection of his request the individual filed O.A.No.10699/2002. The Hon'ble APAT while disposing of the O.A.No.10699 of 2002 on 7-1-2004 filed by Sri K.Chenchu Subbaiah, STO, Nellore observed as follows:

“The law laid down by this Tribunal in O.A.No.4440 of 2002 is not applicable to the facts of this case as the applicant in this case was not relieved to join at the promoted place. In this case since the applicant has withdrawn his relinquishment letter and was willing to accept the promotion, his case ought to have been considered for promotion”

7. Aggrieved by the said order, Government directed the DTA to file Appeal by way of writ Petition before A.P. High Court against the orders of Hon'ble APAT dt. 7-1-2004. The individual filed C.A.No.738/2004 for implementation of the orders in O.A.No.10699/2002. Accordingly the DTA filed W.P.No. 21885/2004 and obtained the Stay orders on 13-11-2004. The Hon'ble High Court while disposing the W.P. No. 21885/2004 on 9-8-2006, set aside the orders of A.P.A.T. and remanded the matter to A.P.A.T. for fresh disposal of the O.A.No. 10699/2002.

8. In the meanwhile, Government vide Memo. 2nd read above directed the DTA to implement the orders of Hon'ble APAT by permitting him to conduct the Review D.P.C. for the year 2002-2003.

9. The Hon'ble A.P.A.T. by its order dt.18-7-2008 has disposed off the O.A.No.10699/2002 with the following directions:

“O.A.No.10699/2002 is allowed and the impugned proceedings issued in Memo. No. C4/13703/2001, dt. 18-4-2002 are set aside and the Respondents are directed to consider the case of the Applicant for promotion for the panel year 2002-2003 and pass necessary orders within a period of eight weeks from the date of receipt of a copy of this order.”

10. The DTA in his letter 6th read above has stated that the individual has filed C.A.No.2/2009 for implementation of the orders of Hon'ble A.P.A.T. dt. 18-7-2008 in O.A.No.10699/2002 and notices were issued. In pursuance to the Government instructions issued in Memo.6th read above, a review DPC for the panel year 2002-2003 has been convened on 9-3-2009 and the name of Sri K.Chenchu Subbaiah, STO has been come up for consideration for promotion to the category of AAO/ATO. His name has been placed at Sl.No.3 above Sri V.Kotaiah, STO, who stood at Sl.No.2 and below Sri K.S.Mani, STO who stood at Sl.No.3 in the said panel. The name of Sri K.S.Mani has been passed over in the above said panel and his immediate junior Sri Syed Bashu, STO has been promoted to the category of AAO/ATO, and his services were regularized w.e.f. 31-1-2003 in the category of AAO/ATO. It is also stated that Sri K.Chenchu Subbaiah, STO, Nellore, retired from service on attaining the age of superannuation on the AN of 31-1-2004 and hence he is eligible for Notional Promotion to the category of AAO/ATO w.e.f. 31-1-2003 i.e., the date of promotion of his junior Sri Syed Bashu whose services were regularized in the category of AAO/ATO on 31-1-2003 and accordingly requested for issue necessary orders in the matter.

11. After careful examination of the matter, Government have decided to implement the orders of Hon'ble A.P.A.T. dt. 18-7-2008 passed in O.A.No. 10699/2002 and accordingly, in exercise of powers conferred under Rule 31 of A.P. State & Subordinate Service Rules, 1996, hereby accord permission to the Director of Treasuries & Accounts, Hyderabad to assign notional promotion to Sri K. Chenchu Subbaiah, STO (Retd.) in the category of AAO/ATO w.e.f. 31-1-2003 i.e., date of promotion of his junior Sri Syed Bashu whose services were regularized in the category of AAO/ATO on 31-1-2003 in relaxation of Rule 33(a) of A.P. State & Subordinate Service Rules, 1996.

(This orders issues with the prior approval of C.E.o.)

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. SAMEER SHARMA
SECRETARY TO GOVERNMENT (FP)

To
Sri K. Chenchu Subbaiah,
S.T.O. (Retd.), Dist. Treasury,
Nellore
(through DTA, Hyd.)
Copy to: The DTA, Hyd.

// Forwarded :: By Order //

SECTION OFFICER